

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK
UTICA DIVISION**

In re: MILLER, EDWARD V
MILLER, MARGARET A

§ Case No. 17-60029

§

§

Debtor(s)

§

**CHAPTER 7 TRUSTEE'S FINAL ACCOUNT AND DISTRIBUTION
REPORT CERTIFICATION THAT THE ESTATE HAS BEEN FULLY ADMINISTERED
AND APPLICATION TO BE DISCHARGED (TDR)**

L. DAVID ZUBE, chapter 7 trustee, submits this Final Account,
Certification that the Estate has been Fully Administered and Application to be Discharged.

1) All funds on hand have been distributed in accordance with the Trustee's Final Report and, if applicable, any order of the Court modifying the Final Report. The case is fully administered and all assets and funds which have come under the trustee's control in this case have been properly accounted for as provided by law. The trustee hereby requests to be discharged from further duties as a trustee.

2) A summary of assets abandoned, assets exempt, total distributions to claimants, claims discharged without payment, and expenses of administration is provided below:

Assets Abandoned: <u>\$516,520.00</u> <i>(without deducting any secured claims)</i>	Assets Exempt: <u>\$235,845.00</u>
Total Distribution to Claimants: <u>\$42,831.94</u>	Claims Discharged Without Payment: <u>\$0.00</u>
Total Expenses of Administration: <u>\$12,469.49</u>	

3) Total gross receipts of \$ 56,181.48 (see **Exhibit 1**), minus funds paid to the debtor and third parties of \$ 880.05 (see **Exhibit 2**), yielded net receipts of \$55,301.43 from the liquidation of the property of the estate, which was distributed as follows:

	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
SECURED CLAIMS (from Exhibit 3)	\$0.00	\$46,894.18	\$0.00	\$0.00
PRIORITY CLAIMS:				
CHAPTER 7 ADMIN. FEES AND CHARGES (from Exhibit 4)	0.00	12,469.49	12,469.49	12,469.49
PRIOR CHAPTER ADMIN. FEES AND CHARGES (from Exhibit 5)	0.00	0.00	0.00	0.00
PRIORITY UNSECURED CLAIMS (from Exhibit 6)	0.00	0.00	0.00	0.00
GENERAL UNSECURED CLAIMS (from Exhibit 7)	13,736.00	41,913.46	41,913.46	42,831.94
TOTAL DISBURSEMENTS	\$13,736.00	\$101,277.13	\$54,382.95	\$55,301.43

4) This case was originally filed under Chapter 7 on January 12, 2017.
The case was pending for 33 months.

5) All estate bank statements, deposit slips, and canceled checks have been submitted to the United States Trustee.

6) An individual estate property record and report showing the final accounting of the assets of the estate is attached as **Exhibit 8**. The cash receipts and disbursements records for each estate bank account, showing the final accounting of the receipts and disbursements of estate funds is attached as **Exhibit 9**.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Dated: 10/16/2019 By: /s/L. DAVID ZUBE
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**EXHIBITS TO
FINAL ACCOUNT**

EXHIBIT 1 –GROSS RECEIPTS

DESCRIPTION	UNIFORM TRAN. CODE ¹	\$ AMOUNT RECEIVED
Ownership interest in EDM Realty, Inc.	1129-000	20,881.48
Recover Debtor Paid Attorney Fees	1290-000	2,000.00
Settlement: equity in residence & Edgewater	1249-000	33,300.00
TOTAL GROSS RECEIPTS		\$56,181.48

¹The Uniform Transaction Code is an accounting code assigned by the trustee for statistical reporting purposes.

EXHIBIT 2 –FUNDS PAID TO DEBTOR & THIRD PARTIES

PAYEE	DESCRIPTION	UNIFORM TRAN. CODE	\$ AMOUNT PAID
MILLER, EDWARD V	Dividend paid 100.00% on \$880.05; Claim# SURPLUS; Filed: \$880.05; Reference:	8200-002	880.05
TOTAL FUNDS PAID TO DEBTOR AND THIRD PARTIES			\$880.05

EXHIBIT 3 –SECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6D)	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
1	CitiMortgage, Inc.	4110-000	N/A	46,894.18	0.00	0.00
TOTAL SECURED CLAIMS			\$0.00	\$46,894.18	\$0.00	\$0.00

EXHIBIT 4 –CHAPTER 7 ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
Trustee Compensation - L. DAVID ZUBE	2100-000	N/A	6,015.07	6,015.07	6,015.07
Trustee Expenses - L. DAVID ZUBE	2200-000	N/A	44.10	44.10	44.10

Attorney for Trustee Fees (Trustee Firm) - L. David Zube, Esq.	3110-000	N/A	6,105.00	6,105.00	6,105.00
Attorney for Trustee Expenses (Trustee Firm) - L. David Zube, Esq.	3120-000	N/A	196.58	196.58	196.58
Other - Rabobank, N.A.	2600-000	N/A	11.01	11.01	11.01
Other - Rabobank, N.A.	2600-000	N/A	32.01	32.01	32.01
Other - Rabobank, N.A.	2600-000	N/A	30.97	30.97	30.97
Other - Rabobank, N.A.	2600-000	N/A	15.96	15.96	15.96
Other - Rabobank, N.A.	2600-000	N/A	18.79	18.79	18.79
TOTAL CHAPTER 7 ADMIN. FEES AND CHARGES	N/A		\$12,469.49	\$12,469.49	\$12,469.49

EXHIBIT 5 –PRIOR CHAPTER ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
None					
TOTAL PRIOR CHAPTER ADMIN. FEES AND CHARGES		N/A	\$0.00	\$0.00	\$0.00

EXHIBIT 6 –PRIORITY UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6E)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
None						
TOTAL PRIORITY UNSECURED CLAIMS			\$0.00	\$0.00	\$0.00	\$0.00

EXHIBIT 7 –GENERAL UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6F)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
2	American Express National Bank	7100-000	N/A	28,381.39	28,381.39	28,381.39
2I	American Express National Bank	7990-000	N/A	N/A	0.00	621.94
3	PYOD, LLC its successors and assigns as assignee	7100-000	917.00	617.82	617.82	617.82
3I	PYOD, LLC its successors and assigns as assignee	7990-000	N/A	N/A	0.00	13.54
4	PYOD, LLC its successors and assigns as assignee	7100-000	12,819.00	12,914.25	12,914.25	12,914.25
4I	PYOD, LLC its successors and assigns as assignee	7990-000	N/A	N/A	0.00	283.00
TOTAL GENERAL UNSECURED CLAIMS			\$13,736.00	\$41,913.46	\$41,913.46	\$42,831.94

Form 1

Individual Estate Property Record and Report

Asset Cases

Case Number: 17-60029

Trustee: (520640) L. DAVID ZUBE

Case Name: MILLER, EDWARD V
MILLER, MARGARET A

Filed (f) or Converted (c): 01/12/17 (f)

§341(a) Meeting Date: 02/13/17

Period Ending: 10/16/19

Claims Bar Date: 10/24/18

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=\$554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1 14B Edgewater Park, Bronx, NY 10465-3504, Bronx Orig. Asset Memo: Imported from original petition Doc# 14 (See Footnote)	150,000.00	103,105.82		0.00	FA
2 4 Damgaard Rd, Andes, NY 13731-7164, Delaware Co Debtors' jointly owned residence; subject to mortgage (\$47,026 per amended schedules) and to IRS lien against husband (filed just days before case filing) which, technically, encumbers the entire value of the property. Exemption amount is allowed amount per Order dated 10/03/17. (See Footnote)	210,000.00	80,199.00		0.00	FA
3 Checking Account: N.B.T 3759 Orig. Asset Memo: Imported from Amended Doc#: 21	0.00	0.00		0.00	FA
4 Savings Account: N.B.T 5295 Orig. Asset Memo: Imported from Amended Doc#: 21	20.00	0.00		0.00	FA
5 Four(4) beds Orig. Asset Memo: Imported from Amended Doc#: 21	500.00	500.00		0.00	FA
6 Five(5) dressers Orig. Asset Memo: Imported from Amended Doc#: 21	500.00	500.00		0.00	FA
7 Living room set Orig. Asset Memo: Imported from Amended Doc#: 21	1,000.00	0.00		0.00	FA
8 Chairs Orig. Asset Memo: Imported from Amended Doc#: 21	450.00	450.00		0.00	FA
9 Four(4) TVs Orig. Asset Memo: Imported from Amended Doc#: 21	1,000.00	1,000.00		0.00	FA
10 Regular clothing items for 2 people Orig. Asset Memo: Imported from Amended Doc#: 21	1,000.00	1,000.00		0.00	FA

Form 1

Individual Estate Property Record and Report

Asset Cases

Case Number: 17-60029

Trustee: (520640) L. DAVID ZUBE

Case Name: MILLER, EDWARD V
MILLER, MARGARET A

Filed (f) or Converted (c): 01/12/17 (f)

§341(a) Meeting Date: 02/13/17

Period Ending: 10/16/19

Claims Bar Date: 10/24/18

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=\$554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
11 2 watches, wedding rings; miscellaneous earrings Orig. Asset Memo: Imported from Amended Doc#: 21	850.00	0.00		0.00	FA
12 14B Edgewater Park, Bronx, NY 10465-3504, Bronx Orig. Asset Memo: Imported from Amended Doc#: 21	1,100.00	0.00		0.00	FA
13 Int. in Ins. policies: Equitable/variable Orig. Asset Memo: Imported from Amended Doc#: 21	150,000.00	0.00		0.00	FA
14 Unpaid compensation from Miller Mechanical Servi Orig. Asset Memo: Imported from Amended Doc#: 21	0.00	0.00		0.00	FA
15 2000 Jeep Cherokee, 140000 miles. Entire propert Orig. Asset Memo: Imported from Amended Doc#: 21	0.00	0.00		0.00	FA
16 2010 Ford Explorer, 105000 miles Orig. Asset Memo: Imported from Amended Doc#: 21 (See Footnote)	0.00	0.00		0.00	FA
17 One(1) dog/golden doodle Orig. Asset Memo: Imported from Amended Doc#: 21	100.00	0.00		0.00	FA
18 Ownership interest in EDM Realty, Inc. Orig. Asset Memo: Imported from Amended Doc#: 21 (See Footnote)	0.00	0.00		20,881.48	FA
19 Recover Debtor Paid Attorney Fees (u) Per demand of trustee for disgorgement of attorney fees paid by Debtors to file case, the original firm paid over the entire amount.	0.00	0.00		2,000.00	FA
20 Settlement: equity in residence & Edgewater (u)	0.00	0.00		33,300.00	FA
20 Assets Totals (Excluding unknown values)	\$516,520.00	\$186,754.82		\$56,181.48	\$0.00

RE PROP# 1 resolved by settlement agreement with Debtors - see Asset 20; removed by amended Schedule (incorrect)

RE PROP# 2 resolved by settlement agreement with Debtors - see Asset 20

Form 1
Individual Estate Property Record and Report
Asset Cases

Case Number: 17-60029 **Trustee:** (520640) L. DAVID ZUBE
Case Name: MILLER, EDWARD V **Filed (f) or Converted (c):** 01/12/17 (f)
MILLER, MARGARET A **§341(a) Meeting Date:** 02/13/17
Period Ending: 10/16/19 **Claims Bar Date:** 10/24/18

1	2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property <u>Abandoned</u> OA=§554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets

RE PROP# 16 actually a 2011; motion for relief filed and granted
RE PROP# 18 debtor husband owns 50% of shares - real estate sold and corp. debt paid off. funds received equal
1/2 of balance.

Major Activities Affecting Case Closing:

pending 9019 motion on 5/7/19 Court Calendar; if approved, TFR to be filed

Initial Projected Date Of Final Report (TFR): December 31, 2018 **Current Projected Date Of Final Report (TFR):** June 11, 2019 (Actual)

Form 2

Cash Receipts And Disbursements Record

Case Number: 17-60029

Case Name: MILLER, EDWARD V
MILLER, MARGARET A

Taxpayer ID #: **-***7359

Period Ending: 10/16/19

Trustee: L. DAVID ZUBE (520640)

Bank Name: Rabobank, N.A.

Account: *****2766 - Checking Account

Blanket Bond: \$3,130,600.00 (per case limit)

Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
06/15/18	{18}	Maureen A. Tighe - IOLA	50% ownership interest remaining proceeds from sale of real property owned by EDM Realty, Inc.	1129-000	20,881.48		20,881.48
06/29/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		11.01	20,870.47
07/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		32.01	20,838.46
08/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		30.97	20,807.49
09/28/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		15.96	20,791.53
10/31/18		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		18.79	20,772.74
02/25/19	{19}	Shipkevich PLLC	recover (disgorge) debtors' attorney fees paid	1290-000	2,000.00		22,772.74
03/25/19	{20}	Edward V. & Margaret A. Miller	funds per Settlement Agreement - "escrow" pending approval by Order	1249-000	33,300.00		56,072.74
08/30/19	101	L. DAVID ZUBE	Dividend paid 100.00% on \$6,015.07, Trustee Compensation; Reference:	2100-000		6,015.07	50,057.67
08/30/19	102	L. DAVID ZUBE	Dividend paid 100.00% on \$44.10, Trustee Expenses; Reference:	2200-000		44.10	50,013.57
08/30/19	103	L. David Zube, Esq.	Dividend paid 100.00% on \$6,105.00, Attorney for Trustee Fees (Trustee Firm); Reference:	3110-000		6,105.00	43,908.57
08/30/19	104	L. David Zube, Esq.	Dividend paid 100.00% on \$196.58, Attorney for Trustee Expenses (Trustee Firm); Reference:	3120-000		196.58	43,711.99
08/30/19	105	American Express National Bank	Dividend paid 100.00% on \$28,381.39; Claim# 2; Filed: \$28,381.39; Reference:	7100-000		28,381.39	15,330.60
08/30/19	106	PYOD, LLC its successors and assigns as assignee	Dividend paid 100.00% on \$617.82; Claim# 3; Filed: \$617.82; Reference:	7100-000		617.82	14,712.78
08/30/19	107	PYOD, LLC its successors and assigns as assignee	Dividend paid 100.00% on \$12,914.25; Claim# 4; Filed: \$12,914.25; Reference:	7100-000		12,914.25	1,798.53
08/30/19	108	American Express National Bank	Dividend paid 100.00% on \$0.00; Claim# 21; Filed: \$0.00; Reference:	7990-000		621.94	1,176.59
08/30/19	109	PYOD, LLC its successors and assigns as assignee	Dividend paid 100.00% on \$0.00; Claim# 31; Filed: \$0.00; Reference:	7990-000		13.54	1,163.05
08/30/19	110	PYOD, LLC its successors and assigns as assignee	Dividend paid 100.00% on \$0.00; Claim# 41; Filed: \$0.00; Reference:	7990-000		283.00	880.05
08/30/19	111	MILLER, EDWARD V	Dividend paid 100.00% on \$880.05; Claim# SURPLUS; Filed: \$880.05; Reference:	8200-002		880.05	0.00

Subtotals : \$56,181.48 \$56,181.48

Form 2

Cash Receipts And Disbursements Record

Case Number: 17-60029
Case Name: MILLER, EDWARD V
 MILLER, MARGARET A
Taxpayer ID #: **-***7359
Period Ending: 10/16/19

Trustee: L. DAVID ZUBE (520640)
Bank Name: Rabobank, N.A.
Account: *****2766 - Checking Account
Blanket Bond: \$3,130,600.00 (per case limit)
Separate Bond: N/A

1	2	3	4		5	6	7
Trans. Date	{Ref #} / Check #	Paid To / Received From	Description of Transaction	T-Code	Receipts \$	Disbursements \$	Checking Account Balance

ACCOUNT TOTALS	56,181.48	56,181.48	\$0.00
Less: Bank Transfers	0.00	0.00	
Subtotal	56,181.48	56,181.48	
Less: Payments to Debtors		880.05	
NET Receipts / Disbursements	\$56,181.48	\$55,301.43	

Net Receipts :	56,181.48
Less Payments to Debtor :	880.05
Net Estate :	\$55,301.43

	Net Receipts	Net Disbursements	Account Balances
TOTAL - ALL ACCOUNTS			
Checking # *****2766	56,181.48	55,301.43	0.00
	\$56,181.48	\$55,301.43	\$0.00